

# **Town Board Minutes**

**Meeting  
No. 26**

***Regular Meeting***

**September 18, 1995**

MEETINGS TO DATE 26  
NO. OF REGULARS 18  
NO. OF SPECIALS 8

LANCASTER, NEW YORK  
SEPTEMBER 18, 1995

A Regular Meeting of the Town Board of the Town of Lancaster, Erie County, New York, was held at the Town Hall at Lancaster, New York on the 18th day of September 1995 at 8:00 P.M. and there were

**PRESENT:** ROBERT H. GIZA, COUNCIL MEMBER  
DONALD E. KWAK, COUNCIL MEMBER  
PATRICK C. POKORSKI, COUNCIL MEMBER  
THOMAS H. VAN NORTWICK, COUNCIL MEMBER  
LUCIAN J. GRECO, SUPERVISOR

**ABSENT:** NONE

**ALSO PRESENT:** ROBERT P. THILL, TOWN CLERK  
ROBERT H. LABENSKI, TOWN ENGINEER  
JOSEPH F. REINA, TOWN ATTORNEY  
ROBERT L. LANEY, BUILDING INSPECTOR  
THOMAS E. FOWLER, CHIEF OF POLICE  
JOHANNA M. COLEMAN, RECEIVER OF TAXES

PRESENTATION OF PREFILED RESOLUTIONS BY COUNCIL MEMBERS:

THE FOLLOWING RESOLUTION WAS OFFERED  
BY COUNCIL MEMBER KWAK, WHO MOVED  
ITS ADOPTION, SECONDED BY COUNCIL  
MEMBER GIZA, TO WIT:

RESOLVED, that the minutes from the Regular Meeting of the Town  
Board held on September 5, 1995 be and hereby are approved.

The question of the adoption of the foregoing resolution was duly  
put to a vote on roll call which resulted as follows:

COUNCIL MEMBER GIZA	VOTED YES
COUNCIL MEMBER KWAK	VOTED YES
COUNCIL MEMBER POKORSKI	VOTED YES
COUNCIL MEMBER VAN NORTWICK	VOTED YES
SUPERVISOR GRECO	VOTED YES

September 5, 1995

File: RMIN (P1)

THE FOLLOWING RESOLUTION WAS OFFERED  
BY COUNCIL MEMBER GIZA, WHO MOVED  
ITS ADOPTION, SECONDED BY COUNCIL  
MEMBER KWAK, TO WIT:

WHEREAS, P & R Casilio Enterprises, Inc., 2457 Wehrle Drive,  
Williamsville, New York 14221, has applied to the Town Board of the Town of  
Lancaster a for permit to construct a Public Improvement upon real property in  
the Town of Lancaster on Rotech Drive within Thruway Industrial Park, and

WHEREAS, the Town Engineer of the Town of Lancaster has certified  
on the following permit application that he has reviewed the improvement plans  
and permit application for the installation of the public improvement  
requested, and that it conforms to the Ordinances of the Town of Lancaster,

NOW, THEREFORE, BE IT

RESOLVED, that Public Improvement Permit Application No. 421 of P &  
R Casilio Enterprises, Inc., 2457 Wehrle Drive, Williamsville, New York 14221,  
New York, for the installation of:

P.I.P. No. 421 - Three (3) street lights on Rotech Drive  
(Street Lights)

be and is hereby approved and the installation of the improvement requested be  
and is hereby authorized.

The question of the adoption of the foregoing resolution was duly  
put to a vote on roll call which resulted as follows:

COUNCIL MEMBER GIZA	VOTED YES
COUNCIL MEMBER KWAK	VOTED YES
COUNCIL MEMBER POKORSKI	VOTED YES
COUNCIL MEMBER VAN NORTWICK	VOTED YES
SUPERVISOR GRECO	VOTED YES

September 18, 1995

File: RPIP (P9)

THE FOLLOWING RESOLUTION WAS OFFERED  
 BY SUPERVISOR GRECO, WHO MOVED  
 ITS ADOPTION, SECONDED BY COUNCIL  
 MEMBER VAN NORTWICK, TO WIT:

WHEREAS, the Supervisor has requested a transfer of  
 funds within the Central Data Processing Department  
 necessary for the purchase of equipment.

NOW, THEREFORE, BE IT

RESOLVED, that the following transfer within the 1995  
 Adopted General Fund Budget of the Town of Lancaster be  
 and is hereby approved:

<u>FUND APPROPRIATION</u>	<u>Increase</u>	<u>Decrease</u>
01.1680.210 Office Furniture & Equip.	1,500.00	
01.1680.412 Education Expense		1,500.00

The question of the adoption of the foregoing  
 resolution was duly put to a vote on roll call which  
 resulted as follows:

COUNCIL MEMBER GIZA	VOTED YES
COUNCIL MEMBER KWAK	VOTED YES
COUNCIL MEMBER POKORSKI	VOTED YES
COUNCIL MEMBER VAN NORTWICK	VOTED YES
SUPERVISOR GRECO	VOTED YES

September 18, 1995

THE FOLLOWING RESOLUTION WAS OFFERED  
BY SUPERVISOR GRECO, WHO MOVED  
ITS ADOPTION, SECONDED BY COUNCIL  
MEMBER POKORSKI, TO WIT:

WHEREAS, the Supervisor has requested a transfer of funds from the Part Town Fund Contingent Account to the Central Printing and Mailing Department to cover additional expenditures necessary due to the resolution passed requiring the publishing of legal notices in two periodicals as opposed to only one.

NOW, THEREFORE, BE IT

RESOLVED, that the following transfer within the 1995 Adopted Part Town Fund Budget of the Town of Lancaster be and is hereby approved:

<u>FUND APPROPRIATION</u>	<u>Increase</u>	<u>Decrease</u>
02.1670.403 Printing & Advertising	3,498.00	
02.1990.411 Contingent Account		3,498.00

The question of the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

COUNCIL MEMBER GIZA	VOTED YES
COUNCIL MEMBER KWAK	VOTED YES
COUNCIL MEMBER POKORSKI	VOTED YES
COUNCIL MEMBER VAN NORTWICK	VOTED YES
SUPERVISOR GRECO	VOTED YES

September 18, 1995

THE FOLLOWING RESOLUTION WAS OFFERED  
BY COUNCIL MEMBER VAN NORTWICK WHO MOVED  
ITS ADOPTION, SECONDED BY COUNCIL  
MEMBER POKORSKI , TO WIT:

WHEREAS, Council Member Pokorski has advised the Town Board that the deteriorating conditions of Stony Road and Pleasant View Drive jeopardize the health and safety of area residents and the general public, and

WHEREAS, bicycle clubs, residents and the general public utilize these public roads for certain recreational activities, and

WHEREAS, Councilman Pokorski has recommended that the speed limit on Stony Road be reduced from forty (45) Miles Per Hour to thirty-five (35) miles per hour, and a speed limit of thirty-five (35) miles per hour be set on Pleasant View Drive for eastbound and westbound traffic from Transit Road, east to its terminus at Pavement Road, and

WHEREAS, the Town Board of the Town of Lancaster deems it in the public interest to make certain amendments to the Town Ordinance entitled "VEHICLE & TRAFFIC ORDINANCE OF THE TOWN OF LANCASTER, COUNTY OF ERIE, STATE OF NEW YORK, DESIGNATED AS CHAPTER 46 OF THE CODE OF THE TOWN OF LANCASTER";

NOW, THEREFORE, BE IT

RESOLVED, that pursuant to Section 130 of the Town Law of the State of New York, a Public Hearing n a proposed amendment to the Vehicle & Traffic Ordinance, Chapter 46 of the Code of the Town of Lancaster County of Erie and State of New York will be held at the Town Hall, 21 Central Avenue, Lancaster, New York, on the 2nd day of October, 1995, at 8:00 o'clock P.M., Local Time, and that Notice of the Time and Place of such hearing be published on or before September 21, 1995, in the Lancaster Bee, the official newspaper, being a newspaper of general circulation in said Town, and be posted on the Town Bulletin Board, which Notice shall be in the form attached hereto and made a part hereof.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

COUNCIL MEMBER GIZA	VOTED	YES
COUNCIL MEMBER KWAK	VOTED	YES
COUNCIL MEMBER POKORSKI	VOTED	YES
COUNCIL MEMBER VAN NORTWICK	VOTED	YES
SUPERVISOR GRECO	VOTED	YES

September 18, 1995

LEGAL NOTICE  
PUBLIC HEARING  
TOWN OF LANCASTER

LEGAL NOTICE IS HEREBY GIVEN that pursuant to the Town Law of the State of New York, and pursuant to a resolution of the Town Board of the Town of Lancaster, adopted on the 18th day of September, 1995, the said Town Board will hold a Public Hearing on the 2nd day of October, 1995, at 8:00 o'clock P.M., Local Time, at the Town Hall, 21 Central Avenue, Lancaster, New York, to hear all persons upon the following amendments to the Vehicle and Traffic Ordinance of the Town of Lancaster, Erie County, New York, designated Chapter 46 of the Code of said Town:

ARTICLE IX - Maximum speed limits.

46-9, Maximum speed limits, is hereby amended as follows:

"46.9

C. "A speed limit of forty-five (45) miles per hour shall be posted on the following designated highways shall be amended as follows:

(8) Shall be deleted in its entirety!

D. "A speed limit of thirty-five (35) miles per hour shall be posted on the following designated highways", shall be amended as follows:

(4) Shall be deleted in its entirety and a new D. (4) added in place thereof, which shall read as follows:

D. . . . .

"(4) Pleasant View Drive, for eastbound and westbound traffic east from Transit Road to terminus of Pleasant View Drive at Pavement Road."

(5) Shall be deleted in its entirety and a new D. (5) added in place thereof, which shall read as follows:

D. . . . .

"(5.) Stony Road for northbound and southbound traffic south from Genesee Street to terminus of Stony Road at Walden Avenue."



Full opportunity to be heard will be given to any and all citizens  
and all parties in interest.

TOWN BOARD OF THE  
TOWN OF LANCASTER

BY: ROBERT P. THILL  
Town Clerk

September 18, 1995

THE FOLLOWING RESOLUTION WAS OFFERED  
BY COUNCIL MEMBER KWAK , WHO MOVED  
ITS ADOPTION, SECONDED BY COUNCILMAN  
VAN NORTWICK, TO WIT:

WHEREAS, TIMON ELECTRICAL CONSTRUCTION, INC., 4894 Transit Road,  
Depew, New York, the contract vendee of a parcel of land on the south side of  
William Street, east of Transit Road, in the Town of Lancaster, has petitioned  
the Town Board of the Town of Lancaster for the rezone of said property from  
an R1-Residential District One, to an MFR-3 Multi-family District Three

WHEREAS, the petition has been referred to the Planning Board of the  
Town of Lancaster for its recommendation and report;

NOW, THEREFORE, BE IT

RESOLVED, as follows:

1. That pursuant to Sections 130 and 265 of the Town Law of the  
State of New York, a Public Hearing on the proposed rezone will be held at the  
Town Hall, 21 Central Avenue, Lancaster, New York, on the 2nd day of October,  
1995, at 8:05 o'clock P.M., Local Time, and that Notice of the time and place  
of such hearing be published in the Lancaster Bee, a newspaper of general  
circulation in said Town, and be posted on the Town Bulletin Board, and that a  
Notice of such Hearing be referred to the Erie County Department of Planning,  
pursuant to Section 239 (m) of the General Municipal Law, and which Notice  
shall be in form attached hereto and made a part hereof, and

2. That the Building Inspector be and is hereby directed to post a  
sign identifying property as the subject of a rezone,

The question of the adoption of the foregoing resolution was duly put  
to a vote on roll call, which resulted as follows:

COUNCIL MEMBER GIZA	VOTED YES
COUNCIL MEMBER KWAK	VOTED YES
COUNCIL MEMBER POKORSKI	VOTED YES
COUNCIL MEMBER VAN NORTWICK	VOTED YES
SUPERVISOR GRECO	VOTED YES

September 18, 1995

File: RVALPKH.995

LEGAL NOTICE  
PUBLIC HEARING  
TOWN OF LANCASTER

LEGAL NOTICE IS HEREBY GIVEN that pursuant to the Town Law of the State of New York and pursuant to a resolution of the Town Board of the Town of Lancaster, adopted on the 18th day of September, 1995, the said Town Board will hold a Public Hearing on the 2nd day of October, 1995, at 8:05 o'clock P.M., Local Time, at the Town Hall, 21 Central Avenue, Lancaster, New York, to hear all interested persons upon the following proposed amendment to the Zoning Ordinance and Zoning Map of the Town of Lancaster, rezoning the following described real property, from an R1-Residential District One to an MFR-3

Multi-family District Three:

ALL THAT TRACT OR PARCEL OF LAND, situate in the Town of Lancaster, County of Erie, and State of New York, and being part of Lot 95, Township 10, Range 6 more particularly bound and described as follows:

BEGINNING at a point on the northerly line of Lot 95, being the center line of William Street, at a distance of 1613.54' feet east of the northwest corner of Lot 95 further described as being the center line of Transit Road;

THENCE easterly along said northerly line of Lot 95 and the center line of William Street, a distance of 220.00 feet to a point, said point being the northwest corner of lands conveyed by H.Mueller by Liber 10291, Page 540;

THENCE southerly along the east line of said Mueller conveyance and parallel to the west line of Lot 95 which is the center line of Transit Road, a distance of 225.00' feet to a point;

THENCE easterly and parallel to the north line of Lot 95 a Distance of 197.88; feet to a point;

THENCE northerly and parallel to the west line of Lot 95 a distance of 225.00' feet to the point on the north line of Lot 95, said point also being the center line of William Street;

THENCE easterly along said northerly line of Lot 95 and the center line of William Street a distance 80.00' feet to a point;

THENCE southerly along the west line of a proposed right of way (paper street) and parallel to the west line of Lot 95 which is also the center line of Transit Road, a distance of 1021.53' feet to a point;

THENCE westerly and parallel to the south line of lot 95 a distance of 497.90' feet to a point, said point being the east line of the Eastwood Village South;

THENCE northerly and parallel to the west line of Lot 95 and along the easterly line of said Eastwood Village, a distance of 1023.0' feet to the point of beginning, containing 10.66 acres, more or less, and subject to all easements, restrictions, and rights of way of record.

Full opportunity to be heard will be given to any and all citizens and all parties in interest.

TOWN BOARD OF THE  
TOWN OF LANCASTER

BY: ROBERT P. THILL  
Town Clerk

September 18, 1995

THE FOLLOWING RESOLUTION WAS OFFERED BY  
COUNCIL MEMBER VAN NORTWICK, WHO MOVED  
ITS ADOPTION, SECONDED BY COUNCIL MEMBER  
POKORSKI , TO WIT:

WHEREAS, various residents of Deer Cross Subdivision have formed a Neighborhood Watch Program for the purpose of creating a safer environment in their neighborhood, and

WHEREAS, the Chief of Police has communicated with members of the group, and in his judgment, feels that the group has the interest and resources to maintain a viable program, and

WHEREAS, the Chief of Police has ordered an appropriate number of "Neighborhood Watch" signs to be installed within and on the perimeter of the zone, and

WHEREAS, the Town Board feels that public interest and safety are beneficially served when private residents voluntarily join together to enhance their respective neighborhoods;

NOW, THEREFORE, BE IT  
RESOLVED, as follows:

1. The Police Department and/or the Highway Department is hereby authorized to install "Neighborhood Watch" signs within Deer Cross Subdivision and at the perimeter of the zone on Penora Street, Transit Boulevard, Eastwood Village and Eastwood Village North.

2. The Police Department is hereby authorized to participate in and support the efforts of the Deer Cross Neighborhood Watch Program.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER GIZA	VOTED YES
COUNCIL MEMBER KWAK	VOTED YES
COUNCIL MEMBER POKORSKI	VOTED YES
COUNCIL MEMBER VAN NORTWICK	VOTED YES
SUPERVISOR GRECO	VOTED YES

September 18, 1995

THE FOLLOWING RESOLUTION WAS OFFERED BY  
SUPERVISOR GRECO, WHO MOVED  
ITS ADOPTION, SECONDED BY COUNCIL MEMBER  
VAN NORTWICK, TO WIT:

WHEREAS, TMC Premium Analysis, Inc. (TMC), 171 Deer Park Avenue, Babylon, New York, 11702, has represented to the Town Board that it is in the management service business, offering workers' compensation savings to clients, and

WHEREAS, TMC is offering to implement a program for the recovery of workers' compensation insurance overpayments, if any, for the last 3 policy years the Town has had workers' compensation insurance coverage, and

WHEREAS, the fee to be paid TMC for its services, will be a sum equal to 50% of the workers' compensation insurance refunds obtained, and

WHEREAS, the Town Board feels that such a program would be a benefit to the residents of the Town;

NOW, THEREFORE, BE IT  
RESOLVED, as follows:

1. TMC Premium Analysis, Inc., is hereby retained to implement a program for the recovery of workers' compensation insurance overpayments, if any, for the last 3 policy years the Town has had workers' compensation insurance coverage.

2. Compensation to be paid TMC will be a sum equal to 50% of the workers' compensation insurance refunds obtained.

3. The Supervisor is hereby authorized to execute, on behalf of the Town, the written proposal, and upon full execution thereof, an original shall be filed in the Town Clerk's Office.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER GIZA	VOTED YES
COUNCIL MEMBER KWAK	VOTED YES
COUNCIL MEMBER POKORSKI	VOTED YES
COUNCIL MEMBER VAN NORTWICK	VOTED YES
SUPERVISOR GRECO	VOTED YES

September 18, 1995

THE FOLLOWING RESOLUTION WAS OFFERED BY  
SUPERVISOR GRECO, WHO MOVED ITS ADOPTION,  
SECONDED BY COUNCIL MEMBER VAN NORTWICK ,  
TO WIT:

WHEREAS, by resolution dated May 15, 1995, the Town Board retained the services of Clough, Harbour & Associates, to act as the Town's consultants to aid the Town in its review of the Draft Environmental Impact Statement (DEIS), to be submitted by Tops Markets, Inc., for their proposed distribution center within the Town of Lancaster, for a fee then estimated at approximately \$15,900.00, and

WHEREAS, the DEIS has been submitted and has been accepted by the Town, and

WHEREAS, due to the complexity of the numerous issues raised, and the desire of the Town Board to allow every opportunity for all persons interested in the project to express his or her views and to submit written comments and documents, the quantity of services actually rendered by Clough, Harbour & Associates, far exceeded the quantity of services first approximated, and

WHEREAS, Clough, Harbour & Associates has submitted a final bill for such services actually rendered in the amount of \$24,500.00, and

WHEREAS, the Town Board feels that the services rendered by Clough, Harbour & Associates were invaluable to the Town in its review and acceptance of the DEIS;

NOW, THEREFORE, BE IT

RESOLVED, as follows:

1. The Town hereby approves the final bill of \$24,500.00 submitted by Clough, Harbour & Associates, as the final bill for services it has rendered in reviewing the DEIS submitted by Tops Markets, Inc.

2. Funds shall be appropriated from funds provided pursuant to 6NYCRR, Part 617.17.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER GIZA	VOTED YES
COUNCIL MEMBER KWAK	VOTED YES
COUNCIL MEMBER POKORSKI	VOTED YES
COUNCIL MEMBER VAN NORTWICK	VOTED YES
SUPERVISOR GRECO	VOTED YES

September 18, 1995

File: RCHADEIS.995

THE FOLLOWING RESOLUTION WAS OFFERED BY  
SUPERVISOR GRECO, WHO MOVED ITS ADOPTION,  
SECONDED BY COUNCIL MEMBER POKORSKI ,  
TO WIT:

WHEREAS, by resolution dated May 15, 1995, the Town Board retained the services of Clough, Harbour & Associates, to act as the Town's consultants to aid the Town in its review of the Draft Environmental Impact Statement (DEIS), to be submitted by Tops Markets, Inc., for their proposed distribution center within the Town of Lancaster, and

WHEREAS, Clough, Harbour & Associates, has now submitted a written proposal dated August 3, 1995, to act as the Town's consultant to aid in its review of the Final Environmental Impact Statement (FEIS) submitted by Tops Markets, Inc., for said project, and

WHEREAS, the Town Board feels that it is in the best interests of the Town Board and the residents of the Town to retain the services of Clough, Harbour for such purpose;

NOW, THEREFORE, BE IT  
RESOLVED, as follows:

1. Clough, Harbour & Associates is hereby retained to aid the Town Board in its review of the FEIS submitted by Tops Markets, Inc., for their proposed distribution center within the Town of Lancaster;

2. The fee for such services shall be \$16,960.00;

3. Funds shall be appropriated from funds provided pursuant to 6NYCRR, Part 617.17.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER GIZA	VOTED YES
COUNCIL MEMBER KWAK	VOTED YES
COUNCIL MEMBER POKORSKI	VOTED YES
COUNCIL MEMBER VAN NORTWICK	VOTED YES
SUPERVISOR GRECO	VOTED YES

September 18, 1995

File: RCHAFEIS.995

THE FOLLOWING RESOLUTION WAS OFFERED  
BY COUNCIL MEMBER GIZA, WHO MOVED  
ITS ADOPTION, SECONDED BY COUNCIL  
MEMBER VAN NORTWICK, TO WIT:

WHEREAS, Forbes Homes Inc., 2635 Millersport Highway, Getzville, New York 14068, has applied to the Town Board of the Town of Lancaster for permits to construct Public Improvements upon real property in the Town of Lancaster within Regents Park Subdivision,

WHEREAS, the Town Engineer of the Town of Lancaster has certified on the following permit applications that he has reviewed the improvement plans and permit applications for the installation of the public improvements requested, and that they conform to the Ordinances of the Town of Lancaster,

NOW, THEREFORE, BE IT

RESOLVED, that Public Improvement Permit Applications No. 422 and No. 423 of Forbes Homes Inc., 2635 Millersport Highway, Getzville, New York 14068 for the installation of:

P.I.P. No. 422      Six (6) street lights.  
(Street Lights)

P.I.P. No. 423      480+ L.F. of sidewalk at locations and common  
(Sidewalks)      areas within subdivision.

be and is hereby approved and the installation of the improvements requested be and are hereby authorized.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

COUNCIL MEMBER GIZA	VOTED YES
COUNCIL MEMBER KWAK	VOTED YES
COUNCIL MEMBER POKORSKI	VOTED YES
COUNCIL MEMBER VAN NORTWICK	VOTED YES
SUPERVISOR GRECO	VOTED YES

September 18, 1995

File: RPIP (P10)



THE FOLLOWING RESOLUTION WAS OFFERED  
BY COUNCIL MEMBER GIZA, WHO MOVED  
MOVED ITS ADOPTION, SECONDED BY  
COUNCIL MEMBER VAN NORTWICK, TO WIT:

WHEREAS, the Executive Director of the Youth Bureau of the Town of Lancaster, by letter dated September 13, 1995, has requested permission to attend the New York State Youth Bureaus' Silver Anniversary Conference at the Rochester Marriott Inn Thruway from October 15th through October 18th, 1995,

NOW, THEREFORE, BE IT

RESOLVED, that JOHN TROJANOWSKY, Executive Director of the Youth Bureau of the Town of Lancaster, be and is hereby authorized to attend the New York State Youth Bureaus' Silver Anniversary Conference at the Rochester Marriott Inn Thruway from October 15th through October 18th, 1995, and

BE IT FURTHER

RESOLVED, that expense reimbursement be and is hereby authorized in an amount not to exceed \$390.00, plus mileage, and

BE IT FURTHER

RESOLVED, that said reimbursement will be made only upon submission of proper documentation and substantiation of expenses, including receipts, to the Accounting Department of the Town of Lancaster.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

COUNCIL MEMBER GIZA	VOTED YES
COUNCIL MEMBER KWAK	VOTED YES
COUNCIL MEMBER POKORSKI	VOTED YES
COUNCIL MEMBER VAN NORTWICK	VOTED YES
SUPERVISOR GRECO	VOTED YES

September 18, 1995

File: RSEM.MTGS (P4)

THE FOLLOWING RESOLUTION WAS OFFERED  
 BY SUPERVISOR GRECO, WHO MOVED  
 ITS ADOPTION, SECONDED BY COUNCIL  
 MEMBER GIZA, TO WIT:

WHEREAS, the Supervisor has requested a transfer of funds within various Culture and Recreation Departments necessary to cover expenditures anticipated through the year ending 12/31/95.

NOW, THEREFORE, BE IT

RESOLVED, that the following transfer within the 1995 Adopted General Fund Budget of the Town of Lancaster be and is hereby approved:

<u>FUND APPROPRIATION</u>	<u>Increase</u>	<u>Decrease</u>
01.1620.411 Misc. Contractual Svcs.	1,000.00	
01.7110.102 Parks Overtime	5,000.00	
01.7110.424 Repairs of Equipment	3,000.00	
01.7140.102 Playgrounds Overtime	724.19	
01.7140.411 Contractual Services	5,000.00	
01.7180.102 Pool Overtime	362.06	
01.7180.409 Rentals	55.00	
01.7610.401 Office Supplies	170.00	
01.7610.405 Mileage	30.00	
01.7610.411 Contractual Services	1,400.00	
01.1620.434 Landscaping Materials		1,000.00
01.7020.100 Personal Services		5,000.00
01.7110.435 Chemicals		3,000.00
01.7140.101 Hourly Wages		724.19
01.7180.100 Personal Services		362.06
01.7180.405 Mileage		255.00
01.7610.406 Telephone		1,400.00
01.7140.250 Recreation Equipment		5,000.00

The question of the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

COUNCIL MEMBER GIZA	VOTED YES
COUNCIL MEMBER KWAK	VOTED YES
COUNCIL MEMBER POKORSKI	VOTED YES
COUNCIL MEMBER VAN NORTWICK	VOTED YES
SUPERVISOR GRECO	VOTED YES

September 18, 1995

PREFILED RESOLUTION NO. 14 - MEETING OF 9/18/95

Giza/\_\_\_\_\_

Authorize Agreement Lancaster Mall Inc For Lease  
Agreement At 11 West Main Street

At the request of Council Member Giza, this resolution was withdrawn  
for further study.

File: RWTHDRWN

THE FOLLOWING RESOLUTION WAS OFFERED BY  
COUNCIL MEMBER KWAK, WHO MOVED  
ITS ADOPTION, SECONDED BY COUNCIL MEMBER  
GIZA, TO WIT:

WHEREAS, Pratt & Huth, Associates has submitted a site plan for the construction of Stony Brook Townhomes to be located on its premises on Walden Avenue in the Town of Lancaster, New York, and

WHEREAS, the Planning Board has reviewed the plan, and by letter dated August 3, 1995, has recommended approval;

NOW, THEREFORE, BE IT

RESOLVED, that the Town Board of the Town of Lancaster hereby approves the site plan as prepared by Pratt & Huth received by the Town on July 28, 1995.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER GIZA	VOTED YES
COUNCIL MEMBER KWAK	VOTED YES
COUNCIL MEMBER POKORSKI	VOTED YES
COUNCIL MEMBER VAN NORTWICK	VOTED YES
SUPERVISOR GRECO	VOTED YES

September 18, 1995

THE FOLLOWING RESOLUTION WAS OFFERED  
BY COUNCIL MEMBER VAN NORTWICK, WHO  
MOVED ITS ADOPTION, SECONDED BY  
COUNCIL MEMBER POKORSKI, TO WIT:

WHEREAS, the Bowmansville Volunteer Fire Association, Inc., by  
letter dated September 11, 1995, has requested the addition of probationary  
active members to the membership roster of said fire association,

NOW, THEREFORE, BE IT

RESOLVED, that the Town Board of the Town of Lancaster hereby  
confirms the additions to the membership of the Bowmansville Volunteer Fire  
Association, Inc. of the following individuals:

ADDITION

Patrick Cleary TRENTWOODS (ek)  
7 Chapel Trail 9/21/95  
Lancaster, New York 14086

Wayne Woronecki WORONIECKI 4/22/96 (ad)  
304 Broezel Avenue  
Lancaster, New York 14086

The question of the adoption of the foregoing resolution was duly  
put to a vote on roll call which resulted as follows:

COUNCIL MEMBER GIZA	VOTED YES
COUNCIL MEMBER KWAK	VOTED YES
COUNCIL MEMBER POKORSKI	VOTED YES
COUNCIL MEMBER VAN NORTWICK	VOTED YES
SUPERVISOR GRECO	VOTED YES

September 18, 1995

File: RFIRE (P1)

THE FOLLOWING RESOLUTION WAS OFFERED BY  
COUNCIL MEMBER POKORSKI , WHO MOVED  
ITS ADOPTION, SECONDED BY COUNCIL MEMBER  
VAN NORTWICK, TO WIT:

WHEREAS, the Town of Lancaster has previously entered into a contract with Browning-Ferris Industries of New York, Inc. (BFI), dated July 13, 1993, entitled "Materials Recovery Facility Agreement", ("Agreement"), and

WHEREAS, under the present Agreement, which expires on May 31, 1998, the Town is obligated to pay Five Dollars (\$5.00) per ton for recyclables delivered to BFI's facility (tipping fee), and

WHEREAS, BFI, notwithstanding the terms of the Agreement has, on February 28, 1995, waived, subject to its review of future market conditions, the \$5.00 per ton charge, and on June 1, 1995, agreed, subject to its review of future market conditions, to rebate to the Town \$7.50 per ton for each ton of clean recyclables delivered to its facility, and

WHEREAS, BFI has submitted a request that the Town exercise its second and final option to renew the Agreement for a 5-year period commencing June 1, 1998, and

WHEREAS, in consideration therefore, BFI would be willing to raise its rebate to \$10.00 per ton retroactive to June 1, 1995, and extending to December 31, 1996; and would be willing to guarantee that, thereafter, the Town tipping fee/rebate would not exceed that paid or received, as the case may be, by any other community within Erie County, (excluding the Town of Tonawanda and the City of Buffalo) contracting with BFI, and

WHEREAS, the Town Attorney has communicated with the Town's refuse consultant and has been advised that BFI's offer is a benefit to the Town and has renewed a proposed agreement entitled "Exercise of Final Option to Renew" which contains the terms of the renewal.

NOW, THEREFORE, BE IT

RESOLVED, as follows:

1. The Town Board of the Town of Lancaster hereby elects to exercise the Town's option to renew the Town's contract with BFI for a 5-year period, commencing June 1, 1998.

2. The Supervisor is hereby authorized to execute the "Exercise of Final Option to Renew" and upon full execution thereof, an original shall be filed in the Town Clerk's Office.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER GIZA	VOTED YES
COUNCIL MEMBER KWAK	VOTED YES
COUNCIL MEMBER POKORSKI	VOTED YES
COUNCIL MEMBER VAN NORTWICK	VOTED YES
SUPERVISOR GRECO	VOTED YES

September 18, 1995

File: RAMDBFI2.995

THE FOLLOWING RESOLUTION WAS OFFERED  
BY COUNCIL MEMBER KWAK, WHO MOVED  
ITS ADOPTION, SECONDED BY COUNCIL  
MEMBER POKORSKI, TO WIT:

WHEREAS, the developer has requested the Town Board of the Town of Lancaster to accept completed Public Improvements within Regents Park Subdivision, within the Town of Lancaster, and

WHEREAS, the Town Engineer has inspected the improvements and has recommended the approval thereof,

NOW, THEREFORE, BE IT

RESOLVED, that the following completed Public Improvements within Regents Subdivision, be and are hereby approved and accepted by the Town Board of the Town of Lancaster:

P.I.P. No. 399 - Storm Sewers  
P.I.P. No. 401 - Pavement and Curbs  
P.I.P. No. 402 - Water Line

conditioned, however, upon the following:

1. Receipt by the Town Clerk, within 45 days, of an "Application For Permit To Construct A Public Improvement" for both street lights and sidewalks within this subdivision said application encompassing the area of the Public Improvements accepted herein, or greater area at the option of the developer.
2. Receipt by the Town Clerk, within 45 days, of deeds, easements title report, title insurance and bill of sale to the improvements for the property conveyed to the Town of Lancaster.
3. Receipt by the Town Clerk, within 45 days, of maintenance bonds for each of the improvements accepted herein in the principal amount of 25% of the value of the improvements accepted. The bonds shall run for a term of two years commencing with the date of adoption of this resolution, and

BE IT FURTHER

RESOLVED, that should the conditions enumerated herein not be met within the stated 45 day period, the Building Inspector and the Town Clerk are directed to suspend the acceptance of building permit applications for construction within this subdivision, or subdivision phase, as the case may be.



The question of the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

COUNCIL MEMBER GIZA	VOTED YES
COUNCIL MEMBER KWAK	VOTED YES
COUNCIL MEMBER POKORSKI	VOTED YES
COUNCIL MEMBER VAN NORTWICK	VOTED YES
SUPERVISOR GRECO	VOTED YES

September 18, 1995

THE FOLLOWING RESOLUTION WAS OFFERED  
BY COUNCIL MEMBER KWAK, WHO MOVED  
ITS ADOPTION, SECONDED BY COUNCIL  
MEMBER FOKORSKI, TO WIT:

WHEREAS, the developer has requested the Town Board of the Town of Lancaster to accept completed Public Improvements within Queens Park Subdivision, within the Town of Lancaster, and

WHEREAS, the Town Engineer has inspected the improvements and has recommended the approval thereof,

NOW, THEREFORE, BE IT

RESOLVED, that the following completed Public Improvements within Queens Subdivision, be and are hereby approved and accepted by the Town Board of the Town of Lancaster:

P.I.P. No. 409 - Storm Sewers  
P.I.P. No. 410 - Water Line  
P.I.P. No. 411 - Pavement and Curbs

conditioned, however, upon the following:

1. Receipt by the Town Clerk, within 45 days, of an "Application For Permit To Construct A Public Improvement" for both street lights and sidewalks within this subdivision said application encompassing the area of the Public Improvements accepted herein, or greater area at the option of the developer.
2. Receipt by the Town Clerk, within 45 days, of deeds, easements title report, title insurance and bill of sale to the improvements for the property conveyed to the Town of Lancaster.
3. Receipt by the Town Clerk, within 45 days, of maintenance bonds for each of the improvements accepted herein in the principal amount of 25% of the value of the improvements accepted. The bonds shall run for a term of two years commencing with the date of adoption of this resolution, and

BE IT FURTHER

RESOLVED, that should the conditions enumerated herein not be met within the stated 45 day period, the Building Inspector and the Town Clerk are directed to suspend the acceptance of building permit applications for construction within this subdivision, or subdivision phase, as the case may be.

The question of the adoption of the foregoing resolution was duly put to  
a vote on roll call which resulted as follows:

COUNCIL MEMBER GIZA	VOTED YES
COUNCIL MEMBER KWAK	VOTED YES
COUNCIL MEMBER POKORSKI	VOTED YES
COUNCIL MEMBER VAN NORTWICK	VOTED YES
SUPERVISOR GRECO	VOTED YES

September 18, 1995

THE FOLLOWING RESOLUTION WAS OFFERED  
BY SUPERVISOR GRECO, WHO MOVED ITS  
ADOPTION, SECONDED BY COUNCIL MEMBER  
VAN NORTWICK, TO WIT:

RESOLVED, that the following Audited Claims be and are hereby  
ordered paid from their respective accounts:

Claim No. 4126 to Claim No. 4369 Inclusive

Total amount hereby authorized to be paid: \$703,579.36

The question of the adoption of the foregoing resolution was duly  
put to a vote on roll call which resulted as follows:

COUNCIL MEMBER GIZA	VOTED YES
COUNCIL MEMBER KWAK	VOTED YES
COUNCIL MEMBER POKORSKI	VOTED YES
COUNCIL MEMBER VAN NORTWICK	VOTED YES
SUPERVISOR GRECO	VOTED YES

September 18, 1995

File: RCLAIMS

THE FOLLOWING RESOLUTION WAS OFFERED  
 BY COUNCIL MEMBER KWAK, WHO MOVED  
 ITS ADOPTION, SECONDED BY COUNCIL  
 MEMBER VAN NORTWICK TO WIT:

RESOLVED, that the following Building Permit Applications be  
 and are hereby approved and the issuance of these Building Permits be and are  
 hereby authorized:

## CODE:

(SW) = Sidewalks as required by Chapter 12-1B of the Code of the  
 Town of Lancaster are waived for this permit.

No	Code	Applicant	Street Address	Structure
2924		James A Wier	72 Southpoint Dr	Er. Pool
2925		Ronald E Pfender Jr	71 Gale Dr	Er. Shed
2926		Thomas M Samborski	4888 William St	Er. Addition
2927		Thomas Galuski	123 Maple Dr	Dem/Er. Garage
2928		Paul Drewniak	122 Michael's Wlk	Er. Shed
2929		Swimco Pools	42 Hillside Pkwy	Er. Fence/Pool
2930		Stratford Homes	29 Michael's Wlk	Er. Sin. Dwlg
2931		Donato Developers	1714 Como Park Blvd	Er. Dbl. Dwlg
2932		Carol Biedenbach	6331 Genesee St	Er. Shed
2933		Forbes Homes Inc	9 Regency Ct	Er. Sin. Dwlg
2934		Forbes Homes Inc	53 Stream View Ln	Er. Sin. Dwlg
2935		Donato Developers Inc	9 Grafton Ct	Er. Sin. Dwlg
2936		Town Line Fire Dept	63 Cemetery Rd	Remove Fuel Tank
2937		Town Line Fire Dept.	6507 Broadway	Rem/Ins Fuel Tank
2938		Creative Fence Co	88 Pheasant Run Ln	Er. Fence
2939		Town of Lancaster	200 Oxford Ave (Seni	Er. Youth Bureau
2940		Gerald Forys	283 Ransom Rd	Er. Shed
2941		Patrick Viscusi	9 Hampton Ct	Er. Shed
2942		Mr/Mrs Stephen Krajewski	5632 William St	Er. Shed
2943		Ray Botzenhart	4961 William St	Ex. Sin. Dwlg
2944		Joe Calderelli	6 Old Schoolhouse	Ex. Sin. Dwlg
2945		Classic Tan Plus	4779 Transit Rd	Er. Sign
2946		Ryan Homes	5102 William St	Er. Sin. Dwlg
2947		Ryan Homes	7 Signal Dr	Er. Sin. Dwlg
2948		Mr Hannel	11 Rue Madeleine Wa	Er. Deck
2949		Ronald Mayer	728 Ransom Rd	Er. Enclosed Patio
2950		Michael & Gloria Carol	5687 Genesee St	Rem. Sin. Dwlg
2951		Mr/Mrs Mike Furlani	15 Bridlepath Ln	Er. Pool
2952		Alice Domino	115 Spohn Dr	Er. Shed

and,

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**BE IT FURTHER**

RESOLVED, that the Building Permit applications herein coded (SW) for sidewalk waiver be and are hereby approved with a waiver of the provisions of Chapter 12-1B of the Code of the Town of Lancaster which requires sidewalks in front of every new home.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

COUNCIL MEMBER GIZA	VOTED YES
COUNCIL MEMBER KWAK	VOTED YES
COUNCIL MEMBER POKORSKI	VOTED YES
COUNCIL MEMBER VAN NORTWICK	VOTED YES
SUPERVISOR GRECO	VOTED YES

September 18, 1995

THE FOLLOWING RESOLUTION WAS OFFERED  
BY COUNCIL MEMBER GIZA , WHO MOVED  
ITS ADOPTION, SECONDED BY COUNCIL  
MEMBER VAN NORTWICK , TO WIT:

WHEREAS, the Lancaster Central School District has requested the Town of Lancaster Youth Bureau to continue to furnish a Coordinator, under a contract with the Town, for its Youth-at-Risk and Community Partnership Grant Program, and

WHEREAS, the School District will provide 100% of the cost of direct salary and fringe benefit costs to the Town for providing this service to the District, and

WHEREAS, the Executive Director of the Lancaster Youth Bureau has, by letter dated September 12, 1995, recommended the appointment of Anne Monin, 57 Gale Drive, Lancaster, New York, to the position of Program Leader (Youth) in the Youth Bureau at an hourly rate of \$12.00, plus certain fringe benefits, effective September 11, 1995,

NOW, THEREFORE, BE IT

RESOLVED, as follows:

1. That the Supervisor of the Town of Lancaster is hereby authorized to enter into an Agreement with the Lancaster Central School District for the purpose of the Town of Lancaster Youth Bureau providing a Coordinator for the Lancaster Central School District's Youth-at-Risk and Community Partnership Grant Program for the period September 11, 1995 to June 30, 1996, with the School District paying 100% of the cost of direct salary, plus fringe benefits to the Town, to wit: Approximately \$16,263.00 which includes approximately \$13,245.00 for direct salary and \$3,018.00 for fringe benefits to be paid in installments of \$3,363.00 on or about October 1, 1995, and \$6,450.00 on or about January 1, 1996, and \$6,450.00 on or about April 1, 1996.

2. That the Town Board of the Town of Lancaster hereby appoints ANNE MONIN, 57 Gale Drive, Lancaster, New York, to the temporary position of Program Leader (Youth) for the period September 11, 1995 through June 30, 1996, at an hourly rate of \$12.00, with future increases at the recommendation of the Executive Director of the Youth Bureau and subject to availability of funds from the Lancaster Central School District, based upon a Contract Agreement with the said School District as herein stated, and

3. That the following amendments to the 1995 General Fund Budget be and are hereby adopted:

		<u>INCREASE</u>
A510	Estimated Revenues	3,363.00
A960	Appropriations	3,363.00

Subsidiary Ledger - Revenues

A2379	Program Leader (Youth)	3,363.00
	LCSD Contribution	

Subsidiary Ledger Appropriations

A4320.1	Mental Health Program - Pers. Serv.	2,379.00
A9060	Hospital/Medical/Dental Insurance	772.00
A9030	Social Security	182.00
A9055	Disability Insurance	30.00

The question of the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

COUNCIL MEMBER GIZA	VOTED YES
COUNCIL MEMBER KWAK	VOTED YES
COUNCIL MEMBER POKORSKI	VOTED YES
COUNCIL MEMBER VAN NORTWICK	VOTED YES
SUPERVISOR GRECO	VOTED YES

September 18, 1995



THE FOLLOWING RESOLUTION WAS OFFERED BY  
SUPERVISOR GRECO, WHO MOVED ITS ADOPTION,  
SECONDED BY COUNCIL MEMBER VAN NORTWICK  
TO WIT:

WHEREAS, the Town of Lancaster, as Lead Agency in a SEQR Review, is required to make findings pursuant to Article 8, Environmental Conservation Law (6NYCRR, Part 617) regarding an action entitled, "Tops Distribution Facility", and

WHEREAS, an Environmental Impact Statement (EIS) has been prepared for the proposed Tops Distribution Facility which addresses the impacts associated with the project. The project includes construction of an 817,713 square foot food distribution facility on a 136.66± acre parcel located on the south side of Genesee Street (NY Route 33) in the Town of Lancaster, Erie County, New York. A future phase of an additional 381,000± square feet is anticipated by the year 2000, and

WHEREAS, after thorough review by the Town of Lancaster Town Board, as Lead Agency, the Draft EIS was determined complete on June 19, 1995. The involved agencies and general public had the opportunity to submit written comments on the Draft EIS during the comment period (June 19, 1995 through July 27, 1995) and verbal and written comments at two (2) public hearings which were held on the DEIS and the Rezoning Request on July 11, 1995 and July 17, 1995. All substantive comments received, both written and verbal, were addressed in the Final EIS, and

WHEREAS, a Final EIS was filed with the Town and was accepted on September 5, 1995, and

WHEREAS, the Town of Lancaster has jurisdiction over approval of site plan and related construction approvals, and

WHEREAS, the Town of Lancaster, as Lead Agency pursuant to 6NYCRR Part 617.9 Environmental Conservation Law, has reviewed the Draft and Final EIS, and the requirements of Part 617 have been met;

NOW, THEREFORE, BE IT

RESOLVED, that the attached findings are hereby incorporated herein and adopted by the Town of Lancaster.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER GIZA	VOTED YES
COUNCIL MEMBER KWAK	VOTED YES
COUNCIL MEMBER POKORSKI	VOTED YES
COUNCIL MEMBER VAN NORTWICK	VOTED YES
SUPERVISOR GRECO	VOTED YES

September 18, 1995

File:RFNDGTPS.

## **STATEMENT OF FINDINGS**

### **DRAFT AND FINAL ENVIRONMENTAL IMPACT STATEMENTS TOPS DISTRIBUTION CENTER LANCASTER, NEW YORK**

#### **GENERAL**

An Environmental Impact Statement (EIS) has been prepared in support of the rezoning for the proposed TOPS Distribution Facility which addresses the impacts associated with the project. The project includes construction of a 867,713 square foot food distribution facility on a 136.66± acre parcel located on the south side of Genesee Street (NY State Route 33) in the Town of Lancaster, Erie County, New York. A future phase of an additional 381,000± square feet is anticipated by the year 2000.

After thorough review by the Town of Lancaster Town Board, as Lead Agency, the Draft EIS was determined complete on June 19, 1995. The involved agencies and general public had the opportunity to submit written comments on the Draft EIS during the comment period (June 19, 1995 through July 27, 1995) and verbal comments at two (2) public hearings. All substantive comments received, both written and verbal, were addressed in the Final EIS.

The Town of Lancaster Town Board as Lead Agency pursuant to 6 NYCRR Part 617.9 of the State Environmental Quality Review Act (SEQRA), having reviewed and accepted the Draft and Final EIS, hereby finds that this action is:

- a) The requirements of 6NYCRR Part 617 have been met.
- b) Consistent with social, economic and other essential considerations from among the reasonable alternatives thereto, the action to be approved is one which minimizes or avoids adverse environmental effects to the maximum extent practicable, including the effects disclosed in the relevant Environmental Impact Statement, and
- c) Consistent with social, economic and other essential considerations to the maximum extent practicable, adverse environmental effects revealed in Environmental Impact Statement process will be minimized or avoided by incorporating as conditions to the decision those mitigative measures which were identified as practicable; and

- d) The EIS is comprehensive and contains the fact and conclusions relied upon to support the Town's finding and indicates the social, economic and other factors and standards which formed the basis of its findings.
- e) The proposed development is consistent with the intent, objectives and requirements of the comprehensive planning and Town zoning ordinances.

1. **PROJECT DESCRIPTION**

- A. The proposed project includes construction of a food distribution facility (867,713 square feet - Phase I, and 381,000± - Phase II) with ancillary buildings, parking, utilities, stormwater management system, and landscaping.
- B. The facility will be located on approximately 136.66± acres.
- C. The site will be accessed via Genesee Street, with one entrance opposite Gunville Road. The new intersection will be signalized, and turning lanes will be constructed. Adequate parking for the proposed facility will be provided.
- D. Landscaping plans including berms for the proposed food distribution facility will be finalized during final site design and specific conditions that may be set forth by the Planning Board during site plan review to enhance the aesthetic appearance of the site upon completion of construction. Berms will be constructed along Genesee Street, and along the east property line as well as between the facility and the southern conservation area.
- E. Current plans include connection of an 12-inch waterline to the Town of Lancaster 12-inch water supply line adjacent to the site. Sanitary sewage will be disposed of via a private connection on Walden Avenue. Electric and gas service will be provided by New York State Electric and Gas. NYNEX will provide telephone service to the project site.
- F. Approximately 650± jobs will be maintained upon completion of the project. In addition, an estimated 900± construction-related jobs will be generated by the project.

2. **CONSTRUCTION**

- A. Construction of the TOPS Food Distribution Facility and associated infrastructure improvements are anticipated to occur over a one year period.
- B. All improvements associated with the proposed project, such as water and sewer connections, stormwater management system and parking, will be completed prior to the issuance of a Certificate of Occupancy. In addition, any off-site improvements will be developed during site plan review and completed prior to the issuance of a Certificate of Occupancy.

3. **OPERATION**

- A. TOPS Markets, Inc. will be responsible for the ownership, maintenance and operation of the building facility and site.

4. **PURPOSE AND NEED**

- A. The purpose for the proposed TOPS Food Distribution Facility is twofold: to provide a new distribution facility to replace the seven existing facilities, and to provide a stimulus for the economic development in the Town of Lancaster.
- B. The site selection process for the new TOPS Food Distribution Facility included the evaluation of three alternative sites in the Town of Lancaster. Site analysis included consideration of site access, physical and environmental constraints to development, total parcel size, economic considerations (acquisition and development costs), land use compatibility and aesthetics.
- C. The proposed TOPS Food Distribution Facility use provides economic benefits to the local school district, the Town of Lancaster and Erie County through increased property taxes, as well as local economic benefits associated with the establishment of new businesses and employment opportunities in the area.
- D. The local transportation network will benefit through signalization of the intersection of Genesee Street and Gunville Road as well as construction of turning lanes. TOPS Markets is also willing to install required turn arrows at the intersection of Genesee Street and Transit Road.

5. **APPROVALS**

The following approvals are required for the proposed project:

Federal

ACOE - Regulatory Branch  
EPA  
FAA

New York State

DA&M  
DEC - DRA  
DEC - Division of Water  
DEC - Division of Hazardous Waste  
New York State Department of Health  
OPRHP  
New York State Department of Transportation

Erie County

DEP  
DPW  
ECIDA  
ECWA

Town of Lancaster

Town Board  
Building Inspector

SEORA

Town of Lancaster

**ENVIRONMENTAL SETTING**

**ENVIRONMENTAL IMPACTS AND MITIGATION**

6. **ZONING**

- A. The project site is zoned RCO - Residential, Commercial, Office and AR - Agricultural Residential, and the proposed TOPS Food Distribution Facility use is not in conformance with the Zoning Ordinance. A zoning change to LI - Light Industrial, is required. The facility will not result in any significant adverse impacts to noise and air.
- B. Site plans include berms high along Genesee Street, the east and west property line and the northern boundary of the conservation area, respectively, which will serve to retain and enhance vegetation and minimize aesthetic impacts from Genesee Street, viewers on the east of the

site, and users of the conservation area. Also, approximately 30 acres of land bordering Ellicott Creek will be dedicated green space. If the Town desires, TOPS Markets will donate the land to the Town.

- C. During site plan review, landscaping plans for the various portions of the project will be finalized. This will serve to minimize potential impacts to the residences located on surrounding properties.
- D. All security, parking and building lighting will be directed inward and downward so as to minimize spillover and illumination of adjacent properties.
- E. Noise associated with site development and construction activities will be temporary in nature and will be limited to typical working hours. All machinery will be equipped with standard noise-reduction equipment (mufflers).

7. **LAND USE**

- A. The proposed TOPS Food Distribution Facility will convert 85± acres from brushland and farmland to an active industrial use.
- B. The project site is bounded by residential land to the east and west, Genesee Street to the north, and extends just south of Ellicott Creek. Residences are located south of Ellicott Creek.
- C. Proposed use generally conforms with the existing land uses for this area. Construction of the Food Distribution Facility will not result in any significant adverse land use impacts.
- D. Site plans for the proposed facility must be approved by the Town of Lancaster Planning and Town Board.
- E. The proposed project is designed to minimize impacts on agricultural production and loss of farmland. Consistent with social, economic and other essential considerations to the maximum extent practicable, adverse agricultural impacts have been minimized or avoided.

**8. TOPOGRAPHY AND GEOLOGY**

- A. The topographic relief of the site consists of gently rolling topography ranging in elevation from 720 to 736 feet MSL. Significant features are limited to Ellicott Creek near the southern end of the site.
- B. While site development will utilize existing grades to the greatest extent practicable, clearing and minor grading may be necessary.
- C. Surficial geologic deposits range in depth from approximately one (1) to thirteen (13) feet across the site, and primarily consist of clayey silt and silty clay. Silty sand was also encountered on-site.
- D. No significant impacts to surficial geology are anticipated, although excavation and fill may be necessary to facilitate construction and landscaping. Erosion control plans will be developed and finalized during site plan review. Measures will include sedimentation basins, silt fencing, stormwater management plans, and erosion control blankets.
- E. Bedrock, consisting of limestone, was encountered one (1) to thirteen (13) feet below ground level. Due to the depth to bedrock, controlled blasting techniques will be implemented to achieve design grades for facility construction. A pre-blast survey will be conducted and a blasting plan will be developed, prior to blasting, and an experienced seismologist will monitor the blasting program. As a result, no significant impacts to surrounding structures is anticipated.

**9. VEGETATION AND WILDLIFE**

- A. Vegetation in the site development area is limited to grasses, brush and small trees, the removal of which will not result in a significant impact to area wildlife. The Ellicott Creek bank does contain wetland vegetation and mature tree species. Vegetation along the creek will be preserved. The 30 acre green space along the creek will serve to retain the most significant vegetative community on site.
- B. Landscaping plans will be finalized during site plan review and may further minimize the impact of eliminating native vegetation.
- C. The site does not represent a significant wildlife habitat based upon natural physical characteristics and the site location.

- D. No rare or endangered species, or unique habitats, are located on the site.
- E. No activities are proposed in or adjacent to Ellicott Creek or the riparian wetlands, except for the installation of a stormwater discharge swale and sanitary sewer line crossing. The property owned by National Fuel Gas Supply Corporation will be utilized for the latter feature, and erosion control measures will be implemented resulting in no significant impact to these resources.

10. WATER RESOURCES

- A. Groundwater levels reportedly range from 10 to 20 feet below ground surface at the site. Groundwater was not encountered in overburden during the investigation of the site.
- B. Site plans include connection to public water supply and sanitary sewer systems. This will serve to avoid potential impacts to groundwater associated with the development of on-site water supply wells and septic systems.
- C. Wetlands are located on the site adjacent to Ellicott Creek.
- D. No impact within or adjacent to the Ellicott Creek will occur as a result of this project. Plans include retaining a 30 acre green area, encompassing the creek and wetlands, in which development will be precluded. Detailed stormwater management plans will be developed during final design. Such plans will ensure that the quantity and quality of stormwater does not adversely impact groundwater nor the wetlands or Ellicott Creek. Also, the stormwater management plan must address the flooding of Ellicott Creek.

11. ENVIRONMENTAL SITE ASSESSMENT

- A. The project site has been historically utilized for agricultural applications.
- B. A comprehensive site assessment was completed by the applicant to determine the actual status of the site. This analysis included a literature search, site inspection and soils analysis. This assessment revealed no environmental concerns at the site.



## **SOCIOECONOMIC SETTING AND IMPACT ANALYSIS**

### **12. TRANSPORTATION**

- A. Traffic levels on roadways in the vicinity of the project site are characterized as moderate to heavy with peaks during morning and evening rush hours.
- B. The traffic study (June 1995) indicates existing annual average daily traffic (AADT) volume of 7,440 vehicles per day (vpd) between Harris Hill Road and Gunville Road, 4,576 vpd on Gunville Road, and 3,635 vpd on Pavement Road. The peak hours of existing traffic occur from 7:00 A.M. to 8:00 A.M. and 5:00 P.M. to 6:00 P.M.

The 1,227,000± sf development was projected to generate 1,538 vehicle trips per day (900 passenger cars, 638 trucks) based on employment of 389 full-time and 110 part-time employees upon opening of the Phase I (845,000± sf) development. Upon opening of Phase II (381,350 sf), projected to be by the year 2000, an additional 694 vehicle trips per day are anticipated. The peak periods for site generated trips are anticipated to occur between 11:30 A.M. and 12:30 P.M. and 2:30 P.M. to 3:00 P.M.

The intersection of NY Route 33 and Harris Hill Road was projected to operate unacceptably during the morning commuter peak hour due to the lack of capacity for left turning vehicles onto Genesee Street. No mitigation was proposed to alleviate that congestion.

The mitigation of impacts to NY Route 33 includes the construction of a signalized four-way intersection at the intersection of the TOPS Food Distribution Facility entrance and NY 33, opposite Gunville Road. The signalized intersection is projected to operate at Level of Service "C" during the year 2000 during the afternoon commuting peak hour. The improvements will include eastbound and westbound right turn lanes on Genesee Street.

As a result of the traffic growth from this development, the following conditions are established:

1. All off-site highway improvements proposed for the signalized site entrance intersection at Gunville Road are to be designed to

accommodate year 2000 (Phase I - Phase II Normal Traffic) traffic volumes at acceptable levels of service during all periods of the day.

2. The improvement plans shall be subject to review and approval by the NYSDOT and Town of Lancaster.
3. Improvements and/or modifications to existing traffic signals on Genesee Street from/including Transit Road to/including Ransom Road, determined necessary by NYSDOT will be completed by TOPS.
4. Within one (1) year after occupancy of the Phase I facility, TOPS will perform additional traffic studies to determine the actual traffic volumes on NY 33, Gunville Road, Pavement Road, Harris Hill Road and Main Street in Bowmansville, as well as trip generation from the site. The study will be completed by a consultant approved by the Town. Should the study indicate that additional improvements are required due to the TOPS generated traffic at the studied intersections beyond those outlined By the NYSDOT Highway Work Permit, the recommended improvements will be provided by TOPS Markets, Inc. If a traffic signal is found warranted at the intersection of Genesee Street and Pavement Road, after Phase I, but prior to Phase II, the NYSDOT will assume responsibility for its installation (NYSDOT letter to Mr. J. Reina, dated 7/21/95).
5. Prior to considering the issuance of building permits for the construction of Phase II, TOPS Markets Inc. will determine the impacts of additional Phase II traffic and, if necessary, construct the improvements necessary to accomodate additional traffic without adversely impacting the operating level of service.
6. The Certificate of Occupan cy for Phase II construction will be withheld by the Town of Lancaster until Phase II traffic study and subsequent developer financed highway mitigation is approved and accepted by the NYSDOT.
7. Within one (1) year of completion of the Phase II development TOPS will perform additional traffic studies to determine the actual traffic volumes on NY 33, Gunville Road, Pavement Road, Harris Hill Road, and Main Street in Bowmansville, as well as trip

generation from the site. The study will be completed by an independant consultant approved by the Town. Should the study indicate that additional improvements are required due to TOPS generated traffic at the studied intersections beyond those outlined in the Phase II NYSDOT Highway Work Permit, the recommended improvements will be provided by TOPS Markets, Inc.

**13. COMMUNITY SERVICES**

- A. Police protection for the site is provided by the New York State Police Department, the Erie County Sheriff's Department and the Town of Lancaster Police Department. The Town Police Department has indicated that the services necessary to protect the site will be minimal and not require additional personnel or equipment.
- B. Fire protection is provided by the Bowmansville Fire Department. The Fire Department has indicated that they may require additional equipment to support the emergency requirements of the proposed project. TOPS Markets will purchase any required equipment. The equipment required will be determined by an independent consultant.
- C. The existing ambulance service in the project vicinity has indicated that they will be able to support medical transportation for the proposed project.
- D. No significant impacts are anticipated for Lancaster Public Schools. The project will not result in any increase in population.

**14. SOLID WASTE**

- A. Solid waste generated by the facilities will be disposed of by private contractors. In addition, the facility will continue its policy of recycling. All recycling policies developed by TOPS will also be complied with.

**15. UTILITIES**

- A. The project site is located within Erie County Sewer District No. 1 and will be serviced by connection to this system. Correspondence with Matt A. Salah, coordinator of sewer construction projects, indicated the system has the capacity to support industrial peak flows associated with the project.
- B. Connection to the sanitary sewage system necessitates crossing the wetland at the south of the property. All permits and approvals will be obtained from the U.S. Army Corps of Engineers prior to any construction activities. Plans will also be reviewed by the Town of Lancaster and Erie County Sewer Authority prior to connection to the system.
- C. An existing 12-inch water supply main runs along Genesee Street in the vicinity of the project site. Based upon correspondence with the Erie County Water Authority, the system does have the capacity to support the proposed project.
- D. Plans include installation of a 12-inch diameter private tap off of the existing 12-inch main located to the north to service the project site. Downstream from the tap, the private line will branch, with one line for domestic and process needs and one line dedicated to the fire protection system. The water supply system design will be reviewed by the Erie County Water Authority prior to final approval.
- E. NYNEX provides telephone service to the project site. New York State Electric and Gas provides gas and electric service to the project site. It is anticipated that these companies have the capacity to support the proposed development.

**16. STORMWATER MANAGEMENT**

- A. Upon completion of construction activities, it is anticipated that approximately 50% of the site will be impervious. A stormwater management plan will be finalized during site plan review and shall ensure no adverse impacts to water quality or quantity as a result of increased stormwater volumes. Design of the stormwater management plans will also ensure no water quality impacts to the wetlands or Ellicott Creek.
- B. The stormwater management system will also assure that current flooding levels of Ellicott Creek are not increased or prolonged due to the runoff or discharge from the site system. This will be analyzed and confirmed during site plan review.

**17. ECONOMICS**

- A. The proposed project will result in direct economic impacts through increased property tax revenues to the Town, County and school district. It is anticipated that the development will maintain 650± permanent jobs upon completion and will increase property taxes from \$20,500 to \$1.4 million upon full property assessment. Therefore, the project represents a significant economic benefit to the community.
- B. The facility is also expected to create spin-off economic benefits through local expenditures for goods and services. While specific figures cannot be projected, it is anticipated that the spin-off benefits may result in additional economic growth in Lancaster.

**18. AESTHETICS**

- A. A 30± acre green space (and associated vegetation) will be retained along Ellicott Creek. This will serve to protect the viewshed looking toward the site from the creek and areas south of the project site.
- B. Landscaping plans will be developed to ensure that aesthetic impacts are minimized. These plans will include berms, shrubs and various coniferous and deciduous tree species. Landscaping plans will consider viewers to the east and west of the project site.

- C. Site lighting plans will be developed during final site design. Lighting will be designed to minimize impacts to adjacent properties. All lights shall be directed inward and downward through louvers or other mechanisms. Lighting will also be provided, along accessways if required, to the conservation area.

**19. HISTORIC AND ARCHAEOLOGIC RESOURCES**

- A. To evaluate the historic and prehistoric archaeological sensitivity of the site, Dean and Barbour Associates conducted Stage IA/B and Stage 2 Studies of the project site. An archaeologically sensitive area deemed the Nursery Site was encountered on-site.
- B. A mitigation plan for retrieval of artifacts associated with the Nursery Site has been submitted to the New York State Historic Preservation Office (SHPO). Adherence to the approved plan will ensure the recovery of these artifacts through complete excavation of the Nursery Site by qualified archaeologists under the supervision of SHPO.

**20. ACOUSTIC QUALITY**

- A. Site preparation and construction activities will be limited to between 6 A.M. and 7:30 P.M.
- B. All machinery, equipment and vehicles will be maintained and will include adequate noise control devices.
- C. Site design includes construction of berms and directing noise generating activities away from nearby receptors.

**21. AIR QUALITY**

- A. Short-term and long-term impacts to air quality are anticipated as a result of site preparation and construction activities, and increased traffic volumes.
- B. Internal construction roadways will be periodically wetted to control fugitive dust. Earthwork and grading activities will be phased to minimize the amount of exposed soils at any particular time. Should large areas be exposed for any length of time, they will be hydroseeded with an acceptable grass seed mixture.

- ## 22. UNAVOIDABLE IMPACTS

- ## 23. ALTERNATIVES

- ## 24. RESOURCE COMMITMENTS

- ## 25. CUMULATIVE AND GROWTH INDUCING IMPACTS

- 14-

- B. The proposed development is likely to result in growth inducing impacts to the local economy. Employees are likely to increase the local demand for goods and services which may lead to the establishment of additional businesses to satisfy these demands.



THE FOLLOWING RESOLUTION WAS OFFERED BY  
SUPERVISOR GRECO, WHO MOVED ITS ADOPTION,  
SECONDED BY COUNCIL MEMBER VAN NORTWICK  
TO WIT:

WHEREAS, a public hearing was held on the 11th day of July, 1995 and continued on July 17, 1995, on the Petition of Tops' Markets, Inc.; 6363 Main Street, Williamsville, New York, for the rezone of a parcel of land located on the south side of Genesee Street at Gunnville Road, from an RCO-Residential Commercial Office District and an AR-Agricultural Residential District to an LI-Light Industrial District, and

WHEREAS, a Notice of said Public Hearing has been duly published and posted, and

WHEREAS, in accordance with Section 239 (m) of the General Municipal Law of the State of New York, the Erie County Department of Planning has reviewed such application for rezone and has no objection with respect thereto, and

WHEREAS, the rezone is consistent with the intent and objectives of the Town's Comprehensive Plan, and

WHEREAS, the rezone is consistent with the intent and objectives of the Town's Zoning Ordinance, and

WHEREAS, the rezone is consistent with the Findings Statement made and adopted pursuant to SEQR Regulations:

NOW, THEREFORE, BE IT

RESOLVED, as follows:

1. That the Zoning Ordinance and Zoning Map of the Town of Lancaster is hereby amended and changed so that the real property hereinafter described is changed from an RCO-Residential Commercial Office District and AR-Agricultural Residential District to an LI-Light Industrial District:

ALL THAT TRACT OR PARCEL OF LAND situate in the Town of Lancaster County of Erie, State of New York, being part of Lots 9 and 11, Section 6, Township 11, Range 6 of the Holland Land Company's Survey. More particularly described as follows:

BEGINNING at the northwest corner of Lot 9, being at a point in the centerline of Genesee Street, said centerline being the north line of Lot 9;

THENCE, S-86°-46'-41"-E along the north line of Lot 9 a distance of 1,202.24 feet;

THENCE, S-01°-13'-46"-W and along the west line of lands conveyed to Iroquois Gas Corporation by Liber 7532 of Deeds at Page 85 a distance of 3,923.70 feet to the south line of Lot 9, Section 6;

THENCE, N-85°-49'-03"-W along the south line of Lot 9, Section 6 a distance of 1,192.77 feet to the southwest corner of Lot 9;

THENCE, continuing N-85°-49'-03"-W along the south line of Lot 11, Section 6 a distance of 326.25 feet;

THENCE, N-01°-04'-41"-E a distance of 3,898.68 feet to the north line of Lot 11, also being the centerline of Genesee Street;

THENCE, S-86°-45'-41"-E along the north line of Lot 11 a distance of 326.00 feet to the point of beginning

Containing 136.66 acres of land more or less

2. This Zoning Approval shall take effect upon the filing of the Findings Statement in accordance with SEQR Regulations and subsequent publication of the Notice of Adoption of the amendment to the Zoning Ordinance.

3. That said Ordinance Amendment be added in the minutes of the Town Board of the Town of Lancaster held on the 18th day of September, 1995;

4. That a certified copy thereof be published in the Lancaster Bee on or before the 21st day of September, 1995;

5. That Affidavits of Publication be filed with the Town Clerk; and

6. That a certified copy of this resolution be furnished to the Erie County Department of Planning.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER GIZA	VOTED YES
COUNCIL MEMBER KWAK	VOTED NO
COUNCIL MEMBER POKORSKI	VOTED YES
COUNCIL MEMBER VAN NORTWICK	VOTED YES
SUPERVISOR GRECO	VOTED YES

September 18, 1995

File:RTOPSRZA.995

LEGAL NOTICE  
NOTICE OF ADOPTION OF AMENDMENT  
ZONING ORDINANCE, TOWN OF LANCASTER

LEGAL NOTICE IS HEREBY GIVEN that the Zoning Ordinance of the Town of Lancaster is hereby amended and the Zoning Map of the said Town is hereby changed so that the real property hereinafter described is changed from an RCO-Residential Commercial Office District and AR-Agricultural Residential District to an LI-Light Industrial District:

ALL THAT TRACT OR PARCEL OF LAND situate in the Town of Lancaster County of Erie, State of New York, being part of Lots 9 and 11, Section 6, Township 11, Range 6 of the Holland Land Company's Survey. More particularly described as follows:

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THENCE, S-86°-45'-41"-E along the north line of Lot 11 a distance of 326.00 feet to the point of beginning

Containing 136.66 acres of land more or less

September 18, 1995

STATE OF NEW YORK:  
COUNTY OF ERIE : ss:  
TOWN OF LANCASTER:

THIS IS TO CERTIFY, that I, ROBERT P. THILL, Town Clerk of the Town of Lancaster in the said County of Erie, have compared the foregoing copy of NOTICE OF AMENDMENT TO ZONING ORDINANCE AND ZONING MAP with the original thereof filed in my office at Lancaster, New York, on the 18th day of September, 1995, and that the same is a true and correct copy of said original and of the whole thereof.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Seal of said Town, this 18th day of September, 1995.

Robert P. Thill  
Town Clerk

COMMUNICATIONS

DISPOSITION

607. Building Inspector to Town Board - Transmittal of listings of group homes with the Town and Village of Lancaster.	R & F
608. M/M Francis Stengel Jr. to Supervisor - Opposition to Tops rezone petition.	PLANNING COMMITTEE
609. Dept. of Army Operations & Training to Engineering Dept. - Confirmation of 9/15/95 date to stage road grader at Impala Dr. detention pond.	R & F
610. Town Clerk to Supervisor - Monthly report for August 1995.	R & F
611. Assessor to Town Board - Transmittal of 1995-1996 final assessment totals.	R & F
612. Jones Intercable to Supervisor - Response to letter complaining of cable service offerings.	CABLE TV COMMITTEE
613. ECDEP to Supervisor - Notification of training/technical workshops for local governments to be held 9/29/95 in Buffalo.	R & F
614. Manitoba Corp. to Supervisor - Expression of thanks for moral support provided on evening of fire 8/24/95.	R & F
615. Town Clerk to Fire Presidents and Fire Chiefs - Notice of annual inspection to be held 9/25/95.	PUBLIC SAFETY
616. John Zintl to Supervisor - Support for Tops rezone petition.	PLANNING COMMITTEE
617. Cheektowaga Town Clerk to Town Clerk - Resolution memorializing NFTA to approved projected labor agreement re: GBIA expansion project.	R & F
618. John/Marcia Nagowski to Town Board - Opposition to Tops rezone petition.	PLANNING COMMITTEE
619. Rebecca/Frederick Szatkowski - Concerns re: holding pond in purported flood zone on premises situate at 417 Schwartz Rd.	TOWN ENGINEER
620. Diane Umphreyville to Town Board - Opposition to Tops rezone petition.	PLANNING COMMITTEE
621. Data Processing Control Clerk to Town Board - Request extension of vacation time due to unexpected surgery and conflicting schedules.	SUPERVISOR
622. CARE For Lancaster to Town Clerk - Concerns re: safeguarding of archaeological treasures of the Tops Distribution warehouse construction site.	PLANNING COMMITTEE
623. Assessor to Financial Director - Transmittal of estimated 1/96 IDA billings.	R & F
624. Youth Bureau Ex. Dir. to Town Board - Request permission to attend Assoc. of NYS Youth Bureaus Ann. Conference October 15-18, 1995.	R & F
625. Youth Bureau Ex. Dir. to Town Board - Recommending reappointment of Program Leader (Youth) eff. 9/1/95 -6/30/95.	R & F

COMMUNICATIONS CONT'D:DISPOSITION

626. Planning Board Chairman to Town Clerk - Planning Board Minutes of meeting held 9/6/95.	R & F
627. Town Engineer to Town Board - Recommends acceptance of Public Improvement Permits 399, 401 and 402 in Regents Park Sub.	R & F
628. Town Engineer to Town Board - Recommends acceptance of Public Improvement Permits 409, 410 and 411 in Queens Park Phase I.	R & F
629. Gary M. Louth to Town Clerk - Opposition to Tops rezone petition.	PLANNING COMMITTEE
630. County Health Dept. to Town Board - Approval of completed works Regents Park Sub. Ref. 9399.	R & F
631. William Robin Pfeil, MBA to Town Board - Support for Tops rezone petition.	PLANNING COMMITTEE
632. NFTA to Supervisor - Notification of hearings re. reduction in bus service.	R & F
633. NYS School Board Assoc. to Supervisor - Designation of School Board Recognition October 23 through October 27.	R & F
634. Bowmansville Vol. Fire Assoc. to Town Board - Addition of members to active roster.	R & F
635. Linda Burgess to Town Board - Transmittal of Clarence Town Board minutes of meeting held 8/23/95 with comments re: possible water problems if Tops Markets rezone petition is granted.	PLANNING COMMITTEE
636. Lancaster and Depew Village Mayors to Town Board - Support of Tops Markets rezone petition.	PLANNING COMMITTEE
637. Supervisor to Town Board - Transmittal of the 1996 Special Districts Benefits Basis Budget.	R & F

PERSONS ADDRESSING TOWN BOARD:

**Beilman, Jack**, 19 Inwood Place, spoke to the Town Board on the following matter:

Expressed disappointment with the decision of the Town Board on the Tops Market rezone matter.

**Moessinger, David**, 1312 Ransom Road, spoke to the Town Board on the following matter:

Expressed disappointment with the decision of the Town Board on the Tops Market rezone matter.

**Palmeri, Sam**, 5815 Genesee Street, spoke to the Town Board on the following matter:

Expressed disappointment with the decision of the Town Board on the Tops Market rezone matter.

**Kufel, Larry**, 25 Kelly Ann Drive, spoke to the Town Board on the following matter:

Expressed approval with the decision of the Town Board on the Tops Market rezone matter.

**Lorenz, Edward**, 42 Pleasant View Drive, spoke to the Town Board on the following matter:

Expressed approval with the decision of the Town Board on the Tops Market rezone matter.

**Pericozzi, Beth**, 14 Stonybrook, spoke to the Town Board on the following matter:

Expressed disappointment with the decision of the Town Board on the Tops Market rezone matter.

**Moessinger, David**, 1312 Ransom Road, spoke to the Town Board on the following matter:

Expressed disappointment with the decision of the Town Board on the Tops Market rezone matter.

**Klier, Bud**, 166 Stony Road, spoke to the Town Board on the following matter:

Requested that Stony Road be fixed. Complained of its deplorable condition.

**Palmeri, Kandy**, 5815 Genesee Street, spoke to the Town Board on the following matter:

Expressed disappointment with the decision of the Town Board on the Tops Market rezone matter.

**Zichittella, Robert**, 53 Country Place, spoke to the Town Board on the following matter:

Preservation of the conservation area east of Woodgate Subdivision.

**Juszczak, Joseph**, 600 Pleasant View Drive, spoke to the Town Board on the following matter:

Wants answers to his previous letters to the Town Board.

Inquired about development of Old Post Road.

ADJOURNMENT:

ON MOTION OF COUNCILMAN KWAK, AND SECONDED BY THE ENTIRE TOWN BOARD  
AND CARRIED, the meeting was adjourned at 9:15 P.M.

Signed Robert P. Thill

Robert P. Thill, Town Clerk